

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND ELECTRIC COMPANY, for Approval of 2006-2008 Demand Response Programs and Budgets.  (U 39-E)	Application 05-06-006 (Filed June 1, 2005)
Southern California Edison Company's Application for Approval of Demand Response Programs for 2006-2008 and Cost Recovery Mechanism.  (U 338-E)	Application 05-06-008 (Filed June 1, 2005)
Application of San Diego Gas & Electric Company for Approval of Demand Response Programs and Budgets for Years 2006 through 2008.  (U 902-E)	Application 05-06-017 (Filed June 2, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING REGARDING  
NOTICES OF INTENT TO CLAIM COMPENSATION**

**Summary**

This ruling responds to the notices of intent to claim compensation (NOIs) filed in this docket by Aglet Consumer Alliance (Aglet), The Utility Reform Network (TURN), and San Francisco Community Power (SFCP).

**Statutory Requirements Relevant to Notices of Intent**

Under Public Utilities Code Section 804(a)(1): "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing

conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation,” or according to the date set by the assigned Administrative Law Judge (ALJ). It also permits the California Public Utilities Commission (Commission) to accept a late filing where a party could not have reasonably identified issues within 30 days of the prehearing conference. TURN, Aglet and SFCP filed their respective NOIs by the date set by the ALJ in this case for filing NOIs. Their NOIs are therefore timely.

Public Utilities Code Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in Public Utilities Code Section 1802(b), and identify whether the intervenor is a participant representing consumers, or a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers. If the customer category identified is “a representative authorized by a customer,” the NOI should identify “the residential customer or customers that authorized him to represent that customer.” That identification is needed because this category of customer “connotes a more formal arrangement where a customer, or a group of customers, selects a presumably more skilled person to represent the customers’ views in a proceeding.” (D.98-04-059, pp. 28-30.) Participation in Commission proceedings by parties representing the full range of affected interests is important. Such participation assists the Commission in ensuring that the record is fully developed and that each customer group receives adequate representation.

Once the applicable definition of customer is identified, the correct standard of “significant financial hardship” can be applied. Only those

customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Public Utilities Code Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the NOI. Alternatively, the required showing may be made in the request for award of compensation. Public Utilities Code Section 1802(g) defines “significant financial hardship.”

“Significant financial hardship” means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

### **Aglet’s NOI**

Aglet meets the third definition of customer, as set forth in Public Utilities Code Section 1802(b), because it is an organization whose official mission is to represent the interests of utility customers.

Public Utilities Code Section 1804(a)(2)(A)(i) requires NOIs to include a statement of the nature and extent of the customer’s planned participation in the proceeding to the extent this can be predicted. Aglet states it expects to be an active party in this proceeding addressing the demand response proposals of all three applicants. It states it represents the interests of small customers and that its principals have extensive experience in the area of Commission regulation. Aglet states its intent to coordinate its work in this proceeding with other parties in order to avoid duplication of effort.

Public Utilities Code Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive. Aglet

estimates a total projected budget of \$50,270 for this case, based on proposed hourly rates for its two experts, James Weil and Jan Reid.

Aglet seeks a finding of significant financial hardship. It states its members and the customers it represents are all small, typically with annual bills totaling less than \$1200. Accordingly, the economic interests of Aglet's individual members are small compared to the costs of effective participation in this proceeding, which entitles Aglet to a finding of significant financial hardship pursuant to Public Utilities Code Section 1802(g).

Like all intervenors, Aglet must ultimately demonstrate that its participation resulted in a substantial contribution to the proceeding by the unique presentation of facts or arguments that were relied upon by the ALJ or the Commission in resolving this proceeding

#### **TURN's NOI**

TURN meets the third definition of customer, as set forth in Public Utilities Code Section 1802(b), because it is an organization whose official mission is to represent the interests of utility customers.

TURN states it expects to be an active party in this proceeding addressing the demand response proposals of all three applicants. It states it represents the interests of small customers. TURN states its intent to coordinate its work in this proceeding with other parties in order to avoid duplication of effort.

TURN estimates a total projected budget of \$69,850 for this case, based on proposed hourly rates for attorneys and consultants.

TURN states it received a finding of significant financial hardship by way of ruling dated July 27, 2004 in Rulemaking 0404003. Since the proceeding commenced within one year of the date of that finding, there is a rebuttable

presumption of eligibility for compensation, consistent with Public Utilities Code Section 1804(b)(1).

Like all intervenors, TURN must ultimately demonstrate that its participation resulted in a substantial contribution to the proceeding by the unique presentation of facts or arguments that were relied upon by the ALJ or Commission in resolving this proceeding

### **SFCP's NOI**

SFCP meets the third definition of customer, as set forth in Public Utilities Code Section 1802(b), because it is an organization whose official mission is to represent the interests of utility customers.

SFCP states it expects to be an active party in this proceeding addressing the demand response proposals of PG&E. It states it represents the interests of small and medium-sized customers and that it intends to coordinate its work in this proceeding with other parties in order to avoid duplication of effort.

SFCP estimates a total projected budget of \$31,050 for this case, based on proposed hourly rates for its attorneys and experts. It estimates overhead expenses in the amount of \$5,000, which appears high considering its budget and the nature of this proceeding in which SFPC would need to travel or mail hard copies of pleadings.

SFCP seeks a finding of significant financial hardship. It states a majority of its 1700 members and the customers it represents are all small, typically with annual bills totaling less than \$2,000. Accordingly, the economic interests of SFCP's individual members are small compared to the costs of effective participation in this proceeding, which entitles SFCP to a finding of significant financial hardship pursuant to Public Utilities Code Section 1802(g).

Like all intervenors, SFCP must ultimately demonstrate that its participation resulted in a substantial contribution to the proceeding by the unique presentation of facts or arguments that were relied upon by the ALJ or Commission in resolving this proceeding

**IT IS RULED** that:

1. Aglet is a customer as that term is defined in Public Utilities Code Section 1802(b) and has met the eligibility requirements of Public Utilities Code Section 1804(a). Aglet would experience significant financial hardship if it were to participate in this proceeding without intervenor compensation.

2. TURN is a customer as that term is defined in Public Utilities Code Section 1802(b) and has met the eligibility requirements of Public Utilities Code Section 1804(a). Aglet would experience significant financial hardship if it were to participate in this proceeding without intervenor compensation.

3. San Francisco Community Power is a customer as that term is defined in Public Utilities Code Section 1802(b) and has met the eligibility requirements of Public Utilities Code Section 1804(a). Aglet would experience significant financial hardship if it were to participate in this proceeding without intervenor compensation.

Dated November 15, 2005, at San Francisco, California.

/s/ KIM MALCOLM  
Kim Malcolm  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Notices of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated November 15, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.